

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6238**

**BILL NUMBER: SB 5**

**NOTE PREPARED: Jan 19, 2006**

**BILL AMENDED: Jan 10, 2006**

**SUBJECT:** Disorderly Conduct at Funerals.

**FIRST AUTHOR:** Sen. Steele

**FIRST SPONSOR:** Rep. Ulmer

**BILL STATUS:** As Passed Senate

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill makes disorderly conduct a Class D felony if it occurs within 500 feet of the location where a funeral, burial, memorial service, funeral procession, or viewing is taking place, and adversely affects the funeral, burial, memorial service, funeral procession, or viewing.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** Under current law, disorderly conduct is a Class B misdemeanor or a Class D felony under certain circumstances involving airports and airport security. There are no data available to indicate how many more offenders may be convicted of disorderly conduct as a Class D felony, if the disorderly conduct occurs within 500 feet of the location of a funeral, burial, memorial service, funeral procession, or viewing and having an adverse affect on the event is added. State prison commitment data indicate that no offenders were committed to a state facility for disorderly conduct between FY 2000 and FY 2004. (Prison commitment information tracks the most serious offense for which an offender was committed to a state facility.)

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

**Fiscal Analyst:** Karen Firestone, 317-234-2106.